UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1166
14 August 1996

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1166th MEETING

Held at the Palais des Nations, Geneva
on Monday, 12 August 1996, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Review of implementation of the Convention in States parties whose reports are overdue (continued)

ORGANIZATIONAL AND OTHER MATTERS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-17794 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Review of implementation of the Convention in States parties whose reports are overdue (continued)

Second, third and fourth periodic reports of Somalia (CERD/C/88/Add.6; CERD/C/SR.728 and 1114)

1. Mr. ABOUL-NASR said that recent developments in Somalia, with the death of General Aidid, a separatist State in the North, no central Government and reports of intervention and subsequent withdrawal by Ethiopian troops, added up to a situation of chaos and confusion. Peace initiatives by the League of Arab States and the Organization of African Unity had been unsuccessful, having been shunned by the warlords. The crux of the issue indeed seemed to be the dispute between the warring factions rather than a problem of racial or ethnic origin. In the circumstances, he had serious doubts about the advisability and feasibility of discussing the implementation of the Convention in Somalia further. No report could be expected of a State party which was in the unique situation of having neither a Government nor a legislative body, nor any representation abroad. The Committee might, however, draw the attention of the General Assembly, in its annual report, to the seriousness of the situation in Somalia. It was difficult even to consider a date for future consideration by the Committee and it would be preferable to wait until the situation had settled down to some extent.

2. Mr. GARVALOV agreed that it was pointless to continue to discuss the matter. The Committee might wish to inform States parties and the General Assembly in its report that the Committee would keep Somalia on its agenda, but would return to it only when the rule of law had been restored and there was a responsible Government from which it could receive the information it sought.

3. The CHAIRMAN asked Mr. Garvalov to help in drafting the concluding observations on Somalia and observed that the Committee had thus completed its review pending adoption of the concluding observations.

Second periodic report of Cape Verde (CERD/C/86/Add.4; CERD/C/SR.662, 663, 949 and 952)

4. Mr. AHMADU, speaking as rapporteur for Cape Verde, observed that no reports or information had been received from the State party since 1983. Some of the reasons for the failure by countries like Cape Verde to report regularly were the large number of reports which countries were required to submit to the various human rights treaty monitoring bodies, the somewhat strict guidelines for reporting, ignorance of reporting procedures by drafting officials and the difficulty in working out the modalities for technical assistance with the Centre for Human Rights. In many cases there was also a feeling that all the requirements for implementation of the Convention were covered either by the Constitution or the Penal Code.

5. The original ethnic diversity in Cape Verde had resulted in a population that was mostly of mixed descent and had the advantage of speaking one language. It was generally a harmonious society, and the same could be said of the human rights situation, although some questions remained about the enjoyment and exercise of rights and freedoms under article 5 of the Convention. The State party must be made to understand that by failing to report periodically it was doing itself a disservice, since considerable progress had been made in practice in implementing the Convention. For instance, the 1991 elections had proceeded normally and fairly.

6. Mr. ABOUL-NASR, endorsed a comment by the CHAIRMAN that there were two problems: individual countries' failure to report and the general problem of non-reporting. It appeared somewhat futile to continue discussing the case of a country like Cape Verde, which, unlike Somalia, did have a Government from which a report could be expected. It was the general problem that must be addressed. In its report to the General Assembly, the Committee should draw attention, in strong, clear terms, to the countries that failed to comply with their obligations under the Convention, thus preventing the Committee from doing its work, and ask the General Assembly to request the State party to report as soon as possible.

7. The CHAIRMAN said that, with regard to Cape Verde in particular, the Committee might adopt a text modelled on the three paragraphs concerning Côte d'Ivoire adopted at its forty-eighth session, stating that the Committee had reviewed the situation based on the previous report and review, regretted the State party's failure to respond and decided to send a communication urging a resumption of the dialogue and suggesting that the Government should avail itself of the technical assistance offered by the Centre for Human Rights.

8. Mr. ABOUL-NASR said it was important for the Committee to recommend that the General Assembly should call upon the States parties concerned, who should be mentioned by name, to comply promptly with their reporting obligations; the General Assembly might then consider any further action.

9. The CHAIRMAN said that the Committee had thus concluded its review concerning Cape Verde, pending adoption of concluding observations.

Fifth and sixth periodic reports of Lesotho (CERD/C/90/Add.2; CERD/C/SR.608, 949 and 952)

10. Mr. AHMADU, speaking as rapporteur for Lesotho, outlined some of the developments in that country in recent years, with the deposition of King Moshoeshoe II, successive military coups and attempted coups, the installation of the King's son on the throne and ultimately the mediation of the neighbouring countries of South Africa, Zimbabwe and Botswana, the restoration of the Government and the abdication of the King's son in favour of his father. There had been a number of constitutional changes, but, with the restored order, the State party should now be able to comply with its reporting obligations.

11. Mr. CHIGOVERA added that the restoration to the throne of King Moshoeshoe II, in keeping with Sotho customs and tradition, and the new

constitutional arrangements had been the result of a compromise agreement mediated by the three neighbouring countries, which had also helped in redefining the respective functions of the monarchy and the Government, one of the aims being to prevent any future military coup d'état. The initial stage had been the re-installation of the King in January 1995, followed by a review of the Constitution, defining the powers of the army, the civil service, the Government and the police. That exercise had been completed early in 1996. The conclusion to be drawn was that the Government's efforts in recent years had been devoted to resolving internal problems, but that now that there was a democratic, stable Government accepted by the people, it should soon be in a position to comply with its reporting obligations under international human rights treaties. Although he agreed that the Committee should bring the non-compliance of State parties to the attention of the General Assembly with the request that it put pressure on those States, the special circumstances of Lesotho might warrant its being viewed somewhat differently.

12. Mr. ABOUL-NASR asked whether the Government of Lesotho had been notified of the Committee's intention to discuss its implementation of the Convention.

13. The CHAIRMAN said that all States whose reports were overdue had been notified of the Committee's intention to discuss their cases.

14. He suggested that the Committee should adopt the same concluding observations in respect of Lesotho as it had in respect of Côte d'Ivoire, and also take note of recent developments in Lesotho.

15. It was so decided.

Initial report of Saint Vincent and the Grenadines (CERD/C/85/Add.1; CERD/C/SR.652, 949 and 952)

16. The CHAIRMAN, speaking as rapporteur for Saint Vincent and the Grenadines, said that, while the Government had not submitted a report on its implementation of the Convention, it had submitted a core document of basic social, economic and demographic data. No developments relevant to the Convention had taken place in the country, as far as he was aware. He suggested that the Committee should adopt the same concluding observations as it had done in the case of Côte d'Ivoire.

17. It was so decided.

Initial report of the Solomon Islands (CERD/C/101/Add.1; CERD/C/SR.635, 636, 949 and 952)

18. Mr. LECHUGA HEVIA, speaking as country rapporteur, said the Solomon Islands had submitted its initial report in 1983: since then, no further reports had been forthcoming, and the Committee had received no reply to the questions it had raised during its review of the State party's implementation of the Convention in 1992. The Government of the Solomon Islands had stated that racial discrimination was prohibited by the provisions of article 15 of the Constitution, but that article could be suspended in "extraordinary circumstances", which were not further defined.

19. The CHAIRMAN suggested that the Committee should adopt the same concluding observations as it had done in the case of Côte d'Ivoire.

20. It was so decided.

Third, fourth and fifth periodic reports of Botswana (CERD/C/105/Add.1; CERD/C/SR.654, 949 and 952)

21. The CHAIRMAN, speaking as country rapporteur, said that the Government of Botswana had written to say that it could not participate in the current session. The Government had further stated that it was anxious to submit its overdue reports, and had requested a sample report to help it to prepare them. He suggested that the Committee should adopt the same concluding observations as it had done in the case of Côte d'Ivoire and send a copy of the Government's letter to the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights, asking it to contact the Government of Botswana to offer technical assistance in the preparation of its reports.

22. Mr. ABOUL-NASR, supported by Mr. GARVALOV, proposed that the goodwill shown by the Government of Botswana should be acknowledged in the Committee's concluding observations.

23. It was so decided.

Third, fourth and fifth periodic reports of the Lao People's Democratic Republic (CERD/C/105/Add.4; CERD/C/SR.707, 709, 949 and 952)

24. Mr. de GOUTTES, speaking as rapporteur for the Lao People's Democratic Republic, said that no report had been received from that country since 1984. In its previous review in 1992, the Committee had asked for information about, inter alia, the principal social, economic and demographic indicators, measures to promote democratization and the protection of human rights and improve the situation of ethnic minorities, the situation of refugees and measures to close the "re-education camps".

25. He now wished to add three further questions. The first concerned the measures adopted by the Government to reduce the ethnic tension resulting from the economic disparities between the different regions. Economic liberalization had led to high inflation and depreciation of the currency. The Meo rebellion was reported to be continuing to the north and east of the capital, Vientiane, while some isolated mountainous areas were effectively beyond the control of the central Government.

26. His second question concerned the re-education camps which, according to Amnesty International, had not all been closed down. In particular, it was alleged that prisoners of conscience were still being held in Re-education Camp No. 7 in the remote northern province of Houaphan.

27. His third question concerned the continuing restrictions on freedom of expression and censorship of the media which, according to Amnesty International, made it difficult to obtain information about the human rights situation.

28. He suggested that the Committee should address the above questions to the Lao Government, along with the questions still unanswered from the previous review in 1992 and an indication of the technical assistance services available to help the Government with its reply.

29. Mr. ABOUL-NASR noted that the questions the Committee asked must be confined to its mandate - namely, the Lao Government's compliance with the Convention. Information about the refugee situation would, however, be most useful. The question about the re-education camps should be rephrased, since the camps themselves were not necessarily a bad thing; it was what was happening in them that might be open to doubt.

Fourth and fifth periodic reports of Burkina Faso (CERD/C/105/Add.5; CERD/C/SR.711, 949 and 952)

30. Mr. AHMADU, speaking as rapporteur for Burkina Faso, said that the country had suffered considerable political instability since the submission of the previous report. The Committee might perhaps wish to ask which of the policies of previous Governments were being vigorously pursued under the presidency of Captain Blaise Compaoré, and which ones had been abandoned. He felt that the Government was anxious to cooperate with the Committee and that, if encouraged, it would soon submit the overdue reports. The Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights should contact the Government and vigorously promote the services it could provide.

31. Mrs. SADIQ ALI said that, while she agreed with many of the points raised by Mr. Ahmadu, the national human rights body of Burkina Faso had been critical of the President, and the media were still not totally free.

32. The President had named six national priorities, namely the encouragement of agricultural production, the informal sector, small- and medium-sized businesses and women's productive activities, the battle against desertification and the promotion of education, sports and culture. They would prove a considerable challenge, since Burkina Faso was one of the poorest countries in Africa. She wondered what action the Government had taken on those priorities.

33. The exodus of refugees from Mali to Burkina Faso (estimated at 50,000 in December 1994) had led to mounting insecurity and persistent conflict. What action had been taken to defuse the situation? Another problem was that of growing youth unemployment and dissatisfaction. Students had boycotted their classes and workers had called for better living conditions and reasonable prices for basic necessities. How did the Government intend to respond to that dissatisfaction?

34. The CHAIRMAN suggested that a copy of the summary record of the current meeting should be sent to the Government of Burkina Faso in order to reflect the concerns raised by members.

35. Mr. ABOUL-NASR reiterated that any queries raised must be relevant to the Convention.

36. Mr. de GOUTTES suggested that, as it had done at the previous review in 1992, the Committee should ask what measures the Government had taken to reduce regional disparities and unify the various ethnic groups. The Committee might also ask whether any cases had been brought to court following incidents of ethnic conflict, whether those conflicts had a political dimension and how often the available remedies were used in practice.

37. Mrs. SADIQ ALI said that the problem of refugees from Mali was a serious one. Burkina Faso was a multi-ethnic society and the problems of unemployment, for instance, affected many ethnic groups.

38. Mr. AHMADU agreed that it might be more productive to repeat the questions from the Committee's previous concluding observations, since to introduce new ones might merely confuse the issue. In any case, the number of refugees in Burkina Faso was relatively small.

39. The CHAIRMAN said that the views expressed by members would be taken into account in the Committee's concluding observations. The Committee had thus concluded its consideration of overdue reports.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Proposal for the revision of the general guidelines

40. The CHAIRMAN said that the Committee had been asked to take account of gender perspectives in its general guidelines regarding the form and contents of reports to be submitted under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.3). According to the proposed amendments to the guidelines the Committee would express concern that racial discrimination might be combined with gender discrimination, and request States parties to supply gender-disaggregated data and explain in their reports the gender implications of racial discrimination with respect to each of the articles of the Convention.

41. Mr. DIACONU said that such a revision of the guidelines would lead the Committee into territory that was clearly not part of its mandate. The Committee on the Elimination of Discrimination against Women (CEDAW) was competent to deal with gender issues. In the majority of cases of racial discrimination, both men and women were affected equally.

42. Mr. WOLFRUM said that if women were discriminated against on the grounds of their race, then that fell within the competence of the Committee, but discrimination on grounds of sex did not. The reference to "gender-disaggregated data" was at the very least confusing, and given that States often failed to provide information on the ethnic composition of their populations, it would be very difficult to prevail upon them to supply the kind of information referred to in the proposed amendments. If the subject of discrimination on grounds of sex came up, the Committee should consider passing on the details via the liaison officer to the relevant Committee.

43. Mr. van BOVEN said that sensitivity should be shown to the recommendations that had come out of the Fourth World Conference on Women and those made by the United Nations General Assembly. Although it was true that

other bodies were competent to deal with women's issues, the Committee oft had to consider problems that touched on competences that lay elsewhere, b which it could deal with from its own perspective. There had been times w problems of sex discrimination and racial discrimination had been interlin with regard to women domestic workers, for example. However, the proposed amendments before the Committee should be redrafted particularly with rega to the reference to "gender-disaggregated data".

44. Mr. ABOUL-NASR called for an explanation of the terms "gender" and "gender-based" which had become common currency in recent times. The prop amendments were unacceptable in so far as the issue had nothing to do with Convention. Article 5 of the Convention amply covered instances of racial discrimination against women.

45. Mr. de GOUTTES said that the issue was more sensitive than it first appeared and that the Committee could not disregard recommendations that h been made in Beijing and in the General Assembly. However, before the Committee proceeded further in its discussion, it would be advisable to contact CEDAW to ensure that there was no duplication in the work of the t Committees.

46. Mr. GARVALOV said that, in contacts with the Chairperson of CEDAW, he assured her that when considering the reports of States parties, the Commi would look at whether women belonging to ethnic groups were being discriminated against more than men. The question of racial discrimination against such women was clearly within the purview of the Committee. The te "gender-based discrimination" was not satisfactory. Nor was the term "gender-inclusive or neutral language". However, that aside, it was surprising how many States parties spoke only of "he" or "his" in their reports, which was a practice that should be discouraged.

47. Mr. AHMADU said that the proposed amendments, if adopted, would not b clearly understood by persons responsible for drafting country reports. Th Committee often chided delegations for not fully complying with reporting guidelines. Those guidelines were already onerous and to ask more of State parties was not practical. Furthermore, the question of racial discrimina against women was already covered in the Convention and the existing guidelines. As for the use of "he" and "his", he took it that any such reference also covered "she" and "her".

48. Mr. SHAHI said that the Convention comprehensively covered racial discrimination against both men and women. The proposed amendments did not make clear what was being required of reporting States.

49. Mrs. SADIQ ALI said that the proposed amendments to the guidelines we superfluous.

50. The CHAIRMAN suggested that, even though there was no consensus among members of the Committee, some reference to the debate should be included i the report to the General Assembly. The Committee might say that it had discussed the proposal that it should amend its guidelines but had decided to adopt it, while at the same time acknowledging that, since a large major

of its membership was male, it might at times adopt a male perspective when considering certain issues, and that it would try to avoid any male bias in future.

51. Mr. VALENCIA RODRIGUEZ said that the proposed amendments would complicate the reporting obligation for States parties, particularly if they had to refer to the gender implications of racial discrimination with respect to each of the articles of the Convention. Only the first two points of the proposed text to be submitted to the General Assembly were acceptable.

52. Mr. GARVALOV suggested that the language used should not be so blunt. If the Committee had to draft a text for submission to the General Assembly, it should mention that the Committee had always been conscious of the need to ask States parties if women of different ethnic origins were particularly affected by racial discrimination.

53. Mr. van BOVEN said that members were clearly divided on the question of amendments to the general guidelines. The Committee's report should simply reflect the lack of consensus and avoid comments that covered the opinions of some members and not others.

54. Mr. WOLFRUM said that he disagreed with the suggestion made by Mr. van Boven. The general guidelines dealt adequately with the question of racial discrimination against women in so far as the "equal enjoyment of human rights" and "equality" before the law, referred to the situation of men and women. That should be reflected in any report on the discussion, which should also make it clear that, wherever racial discrimination seemed to be particularly relevant to women, members of the Committee did not fail to broach the subject.

55. Mr. ABOUL-NASR said that, as members clearly disagreed, the discussion should simply be reflected in the summary records.

56. The CHAIRMAN pointed out that the Committee owed it to those who had asked it to consider the matter to make some response, however brief. The issue was one which had been discussed by the meeting of persons chairing the human rights treaty bodies and reflected in a General Assembly resolution.

Overview of present methods of work of the Committee

57. The CHAIRMAN drew the Committee's attention to a proposed text drafted by the secretariat in consultation with the Chairman and Rapporteur. The secretariat's suggestion that the text be included as Chapter III of the Committee's report to the General Assembly for 1996 would be inconsistent with a previous decision by the Committee to put the more newsworthy items such as prevention and current issues at the beginning of the report and to relegate to the end of the list of chapters items of a more routine nature such as the submission of reports. Other human rights bodies already included such texts in their reports.

58. Mr. ABOUL-NASR asked whether the text dealt with the question of the non-self-governing territories, which should take pride of place in any overview of the Committee's work.

59. Mr. HUSBANDS (Secretary of the Committee) said that the question of non-self-governing territories had not been included because it was covered a separate chapter of the annual report.

60. Mr. WOLFRUM said the text should highlight the problems which the Committee encountered in performing its tasks under article 15, and should also refer to the importance attached by the Committee to engaging in a dialogue with States parties. The reference to the list of questions in th last sentence of paragraph 10 of the text, on the other hand, was not entir accurate and should be deleted, while paragraph 11 would have to be modifie to reflect changes already agreed.

61. Mr. SHAHI said that generally speaking, paragraph 3 should reflect t Committee's discussion of the gender issue, and an appropriate place should found for a clear reference to the early warning and urgent procedures.

62. Following a brief discussion in which Mr. RECHETOV, Mr. CHIGOVERA and Mr. de GOUTTES took part, Mr. YUTZIS proposed that, to save time, members w specific suggestions to make should submit them in writing to the secretari so that they could be included in the text for discussion later in the session.

63. It was so agreed.

The meeting rose at 1 p.m.